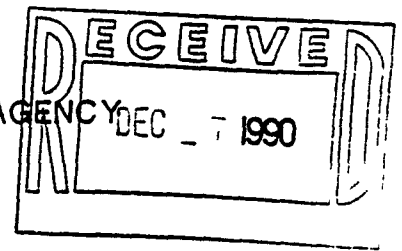




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405



Ref: 8HWM-FF

Mr. Robert M. Nelson, Jr., Manager  
Department of Energy  
Rocky Flats Office  
P. O. Box 928  
Golden, Colorado 80402-0928

RE: Community Relations Plan

Dear Mr. Nelson:

Enclosed are EPA's comments on the Draft Community Relations Plan. Please incorporate these comments in the Final Community Relations Plan due for submittal to EPA January 22, 1991.

Under separate cover you will also receive Colorado Department of Health's comments. EPA suggests that you consider the State's comments in their entirety. You must address the State's comments in the final Community Relations Plan to EPA's satisfaction.

I suggest that DOE, EPA and CDH meet to discuss the comments and agree on how they will be incorporated into the final Community Relations Plan.

If you or members of your staff have any questions regarding EPA's comments, please contact Mr. Martin Hestmark, Rocky Flats Team Leader, at (303) 294-1134 or Ms. Sonya Pennock, Community Relations Coordinator, at (303) 294-1115.

Sincerely,

Louis W. Johnson, Chief  
Federal Facilities Branch

Enclosure

cc: w/enc.

Martin Hestmark, 8HWM-FF  
Sonya Pennock, 80EA  
Gary Baughman, CDH  
Ann Lockhart, CDH  
Beth Brainard, DOE  
Terry Smith, EG & G  
Frazer Lockhart, DOE  
Tom Greengard, EG & G

ADMIN RECORD

A-SW-000088



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COMMENTS

DRAFT ROCKY FLATS PLANT COMMUNITY RELATIONS PLAN, NOV. 1990

General Comments.

In general, the plan contains all the elements necessary for a community relations plan. This is a very good first cut. However, EPA would like to see the following changes:

Throughout the document wherever the term "Rocky Flats Plant" is used in the context of responsibilities under Superfund or RCRA, including community relations, the term should be changed to read "DOE". The obligation to comply with the law, regulations, guidance and policy is first and foremost the responsibility of the Department of Energy. DOE is the lead agency under the law.

A. Overview

p. 1, paragraph 1, second sentence, change to read: "Development of the plan is driven by the community relations provisions of two federal laws concerning hazardous materials management and cleanup, the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments Act (HSWA), and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as amended by the Superfund Amendments and Reauthorization Act (SARA)."

p. 1, paragraph 2: Change references to RCRA and CERCLA to read "RCRA as amended by HSWA" or "CERCLA as amended by SARA."

p. 1, paragraph 2, first sentence change to read: "...storage, disposal and cleanup."

p. 1, paragraph 3, final sentence: This sentence is inaccurate. CERCLA regulations are also applicable to releases from sites which are considered treatment, storage and disposal facilities.

p. 2, paragraph 1, eliminate the following sentence: "RCRA requires a Corrective Measures Study, which may develop only one alternative." CDH agreed in the IAG to use CERCLA criteria, so will need to look at several alternatives.

p. 2, following paragraph 1 insert: "The fourth stage results in the production of a Proposed Plan which outlines the lead agency's preferred cleanup alternative and also summarizes all other alternatives considered. A public comment period of 60

days on the Proposed Plan provides the public with an opportunity to have input in the agency's remedy selection process."

Change reference to fourth stage (present paragraph 2) to "fifth stage"

p. 2, paragraph 4 is inaccurate. Change wording to reflect that the National Contingency Plan indirectly addresses IM/IRA.

p. 2, paragraph 5, first sentence. Add "CHWA" to read: While RCRA, CERCLA, CHWA and the IAG...."

p. 2, paragraph 8, last sentence: The term "other Plant issues" is vague. Examples of other issues should be provided

#### B. Site Description

Generally, this section should also include a history of site activities, history of releases, fires, 903 Pad work, past waste disposal practices resulting in contamination, studies conducted, inspections, risks associated with wastes and sources of contamination. While you touch on these, your discussion is not complete and should be expanded.

Make clear that the Rocky Flats Superfund Site study area includes not only the plant site but any contaminated areas off the plant site.

p. 3, first paragraph under Site Description, first sentence is inaccurate: The communities of Boulder, Broomfield, Westminster and Golden are more like 6-10 miles from the site. However, there is residential property considerably closer to the site than that.

p. 3, same paragraph: These acreage numbers are not consistent with numbers submitted in other documents. Please check with other Rocky Flats documents. There is a need for consistency in these numbers. The public will pick up on this.

p. 3, paragraph 3, third and fourth sentences, change to read: "Walnut Creek drainage presently is diverted....." Additionally, Woman Creek drainage presently is intercepted....."

p. 4, paragraph 4: What are the hazardous substances or hazardous wastes? You should give general categories at least along with potential risk to human health and the environment (i.e., TRU-plutonium & americium, low level radioactive--uranium, VOC--carbon tetrachloride, etc.).

p. 6, paragraph 2: This paragraph should be rewritten to anticipate signing of the IAG. The IAG is not yet signed and may not be signed by the time this document goes to public comment.

p. 6, paragraph 3. Define carcinogenic, mutagenic and teratogenic in the glossary of terms or in the body of the document. Why can't it read "may cause cancer, birth defects, etc."?

p. 6 paragraph 4, first sentence replace "in" with "into".

## C. Community Background

### Community Profile

This section needs to be expanded to include discussion of land use surrounding the plant, location of nearest homes, schools, other sensitive populations, political subdivisions with interest in the site, etc. Also, it would be a good idea to talk about future land use plans of county and cities. What is the impact of the facility on the community--jobs, etc.?

p. 7, paragraph 1, last sentence, change to read: "...10 to 20 mile radius.."

p. 7, paragraph 2: Why do citizens have a high level of general knowledge and interest in the facility?

### Chronology of Community Involvement

The discussion in this section fails to mention fires, local land owner lawsuits from off-plant contamination, etc. Again, this section should be expanded. It should also deal with the whole national security issue which has shrouded plant operations in secrecy until fairly recently. What factors caused increased community interest--incidents at the plant, rising anti-war and environmental movements, FBI (Fluidized Bed Incinerator) flap, FBI (Federal Bureau of Investigation) raid, NPL listing (when and why) etc. The goal here is to provide a working document for future community relations staff who may not have your knowledge of the facility. The Community Relations Plan should provide them with the kind of information they will need to conduct community relations activities. It is important that it be thorough. There is a tendency for the agency developing the plan to want to gloss over past problems. This tendency will diminish the usefulness of the document as a working tool.

p. 7 paragraph 4 and 5: This information should be in the site history section.

p. 8, first paragraph, first sentence: The FBI raid was to look into allegations of mismanagement, negligent and criminal practices.

Key Community Concerns, p. 8

This section too should be expanded. It should include a thorough discussion of all facets of these concerns. Also, concerns do not have to be limited to those expressed during community interviews. If you know of other concerns that have been expressed in other forums, be sure to include them. The most important sections of the CRP are this section and the next section which will explain how you plan to address community concerns. The following concerns should be included:

(In every case these categories should be discussed in detail, not just listed.)

- . Fear of potential health risks posed by the site. In this category would go hazardous and radioactive materials contamination effects, transport of hazardous constituents to water supplies, nearby soils, resuspension of dust during cleanup activities, etc.
- . Fires, accidents and other safety issues. This is really a health issue too. People are afraid that the above will negatively affect their health.
- . Adequacy, timeliness and credibility of information provided on Rocky Flats.
- . Anti-war/nuclear energy quotient.
- . Economic Impacts--jobs (cuts both ways--fear of job loss if plant closes and hope for new jobs generated by cleanup, property values, development potential of surrounding area, etc.).
- . How clean is clean? Who will decide?
- . Insufficient resources directed to cleanup by all agencies involved.
- . Slow cleanup process.
- . Fear production is given precedence over cleanup.
- . Insufficient community involvement in all stages of the cleanup process.
- . Other issues that you have identified.

Include the questions asked during the interviews in the appendix. The tabulation of responses (Appendix C) should be placed in the Administrative Record as backup to the CRP. The issue categories included in Appendix C do not match with key

community concerns as you describe them in the text.

p. 8, first paragraph under Key Community Concerns, first sentence: Change to read: "The Rocky Flats Community Relations Plan is intended to respond to concerns..."

#### D. Objectives and Highlights of CRP

In addition to listing the general objectives of the community relations plan this section also explains how the agency plans to meet the objectives. In the community relations guidance manual, p. 3-12, there is a discussion of what this section should include. Outline the strategies which Rocky Flats will employ to deal with each community concern.

How will you decide if there are additional community relations needs? How will you identify emerging issues and develop community relations strategies for dealing with them?

p. 9, Enhance public knowledge. first sentence. The term "other topics" is vague. Give examples.

p. 9, third bullet. Change to read: ". Provide a forum for resolution of community concerns."

First sentence. Replace "conflicts that result" with "community concerns arising"

#### Required Activities

##### Information Repositories, p. 10

The Administrative Record will also be housed in the above mentioned information repositories. If any other repositories are established in the future, an up-to-date index of the AR and listing of its locations should also be included in the newly established information repositories. The IAG commits DOE to investigating how to enhance public access to documents and repositories (beyond what was provided for in IAG). While the CRP discusses that DOE will "explore options for enhancing public access to information at the repositories", it does not elaborate on how or when. The CRP should at least commit DOE to a process and time frame by which DOE will present its recommendations. Among the issues which DOE should deal are expanded hours beyond traditional business hours and mechanisms for persons wishing personal copies of documents.

p. 11, first paragraph. This discussion of information repositories should refer the reader to Appendix D, which lists the hours of operation and the locations of the repositories.

Administrative Record, p.11

The Administrative Record must be available by the time the CRP is final so please rewrite the sentence to say "Copies of the Administrative Record are available...."

Describe how frequently the Administrative Record will be updated.

News Releases, p.11

2nd sentence, change to: "The Rocky Flats Plant will maintain a list of interested groups to whom the releases will be sent via facsimile transceiver at the same time as the releases are disseminated to the media." This is the commitment made in the IAG. The IAG requires that news releases be sent to interested public groups simultaneously with dissemination to the media.

p. 12, second paragraph, first sentence: Rephrase to read: "At least one public meeting will be held during the public comment period for each Proposed Remedial Action Plan and Proposed Interim Remedial Action Plan....."

p. 12, second paragraph: As pointed out in the November 13, 1990, meeting, DOE should provide opportunity for a public briefing after completion of each remedial design before initiation of remedial action. These briefings should be mentioned in the CRP. Insert: "Following completion of remedial design and before remedial action begins, DOE will provide a public briefing on the planned remedial action. These briefings will be provided for all CD/RD-RAs. For IM/IRA actions, briefings will be held unless otherwise stipulated by EPA/CDH."

Public Comment Opportunities, p. 12-13

You need to discuss options for responding to citizen questions and other informational needs during the public comment period: availability sessions, informational meetings, designating portions of the public meeting, workshops--All these are options that you may use and should be highlighted in the CRP.

p. 13, first paragraph, second sentence: Because schedules may change, rephrase this sentence to read: "Scheduled public comment periods for IAG documents are listed in Appendix E."

p. 13, 2nd paragraph: This paragraph is unclear. What "remaining documents?" Do you mean those documents on which there will be no public comment period? Please clarify.

p. 13, 3rd paragraph: You refer to a direct mail notice. Under what conditions will the direct mail notice be sent? Is it to announce public comment periods and availability of documents? Please clarify.

p. 13, There should be an additional bullet between Public Hearing Opportunities and RCRA Corrective Action Decision/CERCLA Record of Decision.

- . Proposed Plan---Discuss what the proposed plan is and the public comment opportunities. Be sure to indicate that this applies to both IM/IRAs and final remedy selection for each OU.

p. 13, last bullet, Change to read: ". RCRA Corrective Action Decision/CERCLA Record of Decision and Interim Measures/Interim Remedial Action."

p. 13-14 The discussion pertaining to the CAD/ROD is inaccurate. CAD/RODs are intended to contain summaries of the information presented in the proposed plan. Though DOE is expected to draft the CAD/ROD, the CAD or ROD is to be issued by either CDH or EPA, respectively, not DOE. The documents are signed by DOE and EPA or CDH (in some cases both regulatory agencies may sign as well as DOE). These documents represent final action by the regulatory agencies. The IAG describes in detail what happens if DOE disputes the State's or EPA's position in the CAD or ROD.

However, it is the responsibility of DOE to carry out the public participation requirements associated with the issuance of the CAD/ROD, i.e., placement of the public notice of availability of the document and distribution to the information repositories.

In addition, the CAD/ROD modification scheme described ignores the State's public participation requirements for modifying the RCRA permit.

p. 13. ". RCRA Corrective Action Decision/CERCLA Record of Decision". Change the paragraph to read:

"A summary of the information supporting the selection of a remedial action, as detailed in the proposed remedial action plan, will be documented in the corrective action decision/record of decision (CAD/ROD) and included along with a public comment responsiveness summary, in the administrative record. Upon agreement by the parties, the U.S. Environmental Protection Agency and/or the Colorado Department of Health and the Department of Energy will sign the ROD/CAD."

p. 14, first full paragraph, last sentence, change to read:  
"Each CAD/ROD will be available for public review at the information repositories 10 days prior to the commencement of its



respective remedial action." This should not be a problem even in the case of IM/IRAs. Usually remedial design does not begin until after the record of decision and it takes substantially longer than 10 days.

p. 14, 5th paragraph, 2nd sentence, change to read: "At least 10 days prior to initiation...."

p. 14, first full paragraph, first sentence. Replace "proposed action" with "proposed plan.

p. 14, 5th paragraph, 2nd sentence. Change to read: "At least 10 days prior to initiation..."

#### Dispute Resolution, p. 14

p. 14, 2nd paragraph: You say you will notify the public when a dispute reaches the SEC level. You should include in the notice the issues at dispute, a summary of the dispute resolution process and the anticipated schedule. When the issues are resolved, it is important to notify the public how the issues were resolved and where final documentation is available for review.

#### Technical Assistance Grants, p. 15

This is misleading. As a TAG has already been awarded at this site, there is no opportunity for someone else to apply. Please indicate that a TAG has been awarded and to whom.

p. 15, 3rd paragraph, delete "to the extent practicable".

This paragraph implies that DOE will cooperate only with TAG recipient requests for unclassified environmental restoration information. It should be revised to indicate that DOE will respond to all requests for information.

#### Response to Community Information Requests, p. 15

First paragraph, define what you mean by "fairly and equitably".

#### Fact Sheets, p. 15

First paragraph: The proposed plan is in fact sheet format. Please so specify. Also, the NCP requires a fact sheet on remedial design. Insert the following: "A fact sheet on each CD/RD will be prepared when remedial design is at 90% completion. For all IM/IRAs a fact sheet on CD/RD will also be produced when

remedial design is at 90% completion unless otherwise specified by EPA/CDH."

Please indicate that there will be other fact sheets produced as needed. You will want to do fact sheets on nearly every document undergoing public comment. When you begin off-site sampling activities, there will be a need for a fact sheet. Risk assessments are complex and need to be explained in "people language". It may be helpful to distribute fact sheets upon completion of corrective and remedial actions. On site treatability testing activities may warrant a fact sheet. These are a few examples of the other fact sheets that you should produce during the course of the cleanup.

p. 16, insert a new bullet before . Amendment of the IAG

. Informational Meeting on Proposed Remedial Action

The NCP requires that an opportunity for a public meeting be provided before initiation of Remedial Action. Inasmuch as interest is likely to continue to be high in cleanup activities at Rocky Flats, it is safe to say that citizens will want to have this meeting. Insert:

"Prior to implementation of planned remedial actions a public briefing will be provided to explain the elements of the remedial action. Public briefings will also be held prior to implementation of IM/IRAs unless otherwise specified by EPA/CDH."

. Amendment of the IAG, p. 16

Please clarify the circumstances under which there will be public comment on IAG changes (Only when the changes result in a corresponding change to the state HSWA permit).

Also, when IAG schedule changes occur, the IAG commits DOE to notifying the public of these schedule changes. Explain how this notification will take place.

p. 16, following the Amendment of the IAG section. It is important to include language that says that DOE will comply with additional community relations requirements resulting from future changes in Colorado, EPA and DOE statutes, regulations, policy and guidance.

Additional Activities

p. 16, first paragraph: This sentence is inaccurate. Some of these activities are required by the IAG--technical review committee, bimonthly updates. IAG requires that these be addressed in the CRP. Amend the sentence to read, "The

following additional community relations activities will be implemented by DOE."

p. 16, . Briefings and Presentations: You should add "workshops" to this list of types of briefings and presentations.

p. 16 . Technical Review Committee: This term has a very specific meaning (DOD requirement under Superfund) which carries very specific requirements in the NCP. For more flexibility it should be called something else--technical review workgroup, or technical review roundtable, technical advisory panel, etc.

2nd Sentence, change to read: "Participants will include representatives of....."

Environmental Restoration Updates. p. 16.

It is unclear whether DOE will publish an update twice a month or once every two months. This should be clarified.

Following ". Employee Communications." add another bullet:

. Monthly Progress Reports. The IAG commits DOE to producing monthly progress reports on cleanup activities and making those reports available to the public. CRP needs to provide a mechanism for doing this.

Finally, no where is there reference to small group meetings, one-on-one discussions with interested citizens, etc. That too should be listed as community relations activities.

#### Appendix A - List of Contacts and Interested Parties

This list is broader than only those interviewed. If you want to designate interviewees with an asterisk (\*), that is acceptable. The list should be expanded to include:

Rocky Flats Plant

#### Technical

Tom Greengard and  
others who may be key actors in Environmental Restoration activities.

#### DOE

Rich Schassberger and  
others that may be key actors in ER activities

EPA

Technical

All Rocky Flats team members: Martin Hestmark, team leader, Patty Corbetta, Bill Fraser, Roberto Duran, Bonnie Lavelle.

CDH

Technical

Gary Baughman, et.al.  
Debbie Mauer

Federal Elected Officials - What about Sen. Hank Brown  
Congresspersons Allard, Schaeffer, Campbell, Hefley, in addition  
to Skaggs and Schroeder?

State Elected Officials

List all state Senators and Representatives whose district  
includes the community.

Local Officials

List all commissioners and mayors in community, at a minimum

Local Agencies

Are these the only local agencies with whom you deal? Where is  
Kathy Schnoor, Susan Nachtrieb, etc.

Environmental and Interest Groups; Public Health Representatives;  
Business Organizations; Educational Representatives;

News Media

This list should include major media contacts with whom DOE deals  
on Rocky Flats issues.

Area Residents

Generally, the CRP does not include the list of private citizens  
in order to assure their privacy. You may want to explain this  
and indicate that these persons were interviewed and agreed to  
have their names listed so are included in the key contacts list.

Otherwise, it looks as though the only private citizens with whom you have dealings are these three persons.

#### Appendix C

Omit this from the CRP and include in the administrative record as documentation of CRP development. As mentioned previously, this tabulation does not correspond with the concerns listed in the text of the CRP. The CRP should address all concerns. If you choose to list the questions asked in the interviews, you might substitute them for the tabulation.